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REPORT

OF THE

COMMITTEE,

IN THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF DELAWARE,

1835

FREE SCHOOL SYSTEM:

by Ch. Marion.

JANUARY 22, 1835.

A. M. SCHER, PRINTER, DOVER, D.

1835.

EXTRACT FROM THE JOURNAL OF THE HOUSE OF REPRESENTATIVES,

January 15, 1835.

Resolved, That so much of the Governor's message as refers to the "Free School System," and the "further support and endowment of Newark College," be referred to a committee of three members.

Said resolution was adopted, and Messrs. Marim, Booth and Jacobs, were appointed such committee.

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MR. MARIM,

From the Committee to whom was referred so much of the Governor's message, as refers to the Free School System, and the further support and endowment of Newark College, made the following Report, January 22, 1835:

The committee, to whom was referred so much of the Governor's message, as refers to the "Free School System," and to the "further support and endowment of Newark College," beg leave to submit the following

REPORT:

Your committee readily concede the truth of his Excellency's remark, that "popular knowledge is the true and certain basis of our republican institutions." The policy of our government renders it indispensably necessary, that the advantages of education, should be as widely disseminated as possible, and that its benign influence should pervade the whole community. This is, truly, a popular government. All its functionaries, either directly or indirectly, take their authority from the people. It becomes, therefore, exceedingly important, that the people should be capable of forming a correct judgment upon the merits and qualifications of all their officers. An ignorant people, will either elect an ignorant officer, and bring upon themselves the disadvantages which unavoidably result from an unskilful discharge of duty, or they will be likely to submit to as great, if not a greater evil, in surrendering their power into the hands of designing men, and be led captive, at their will, until they are made to experience all the evils of aristocracy. Knowledge has been emphatically termed power. It is so. And where a few have all the education, there will be an aristocracy. Where learning is enjoyed, by all, there must be a representative republic. For an evidence of this truth we need only refer to Europe. It is well known, that it contains a greater number of finished scholars and profoundly learned men, in proportion to its population, than is to be found here; but it must, at the same time, be acknowledged that, in this country, learning is more generally diffused among the people. This difference harmonizes with that which exists between the respective governments. And it will be found, on examination, that where the people are the most enlightened, they enjoy the most liberty; that they are servile, in proportion to their ignorance; and that the polity of each country is, in a great measure, controlled by the state of learning among the people. Wherever an absolute monarchy exists, there will, uniformly, be found, an ignorant and degraded population. In Russia, for example, the state of learning is most deplorable. No attention is paid to it, except among the wealthy. The peasantry are little more than downright barbarians and the poor serf, in point of intelligence and respectability, is below our most ignorant negroes. This unhappy condition of things, is in precise accordance with the genius of that govern-

ment; for, were it meliorated in the smallest degree, it would operate against the existing polity; and the effect would be there, as every where else;—by how much the people become enlightened, by so much republicanism is favored.

Fears have been entertained, by some, that our own republic would follow the example of all its predecessors, by degenerating into an aristocracy, and, finally, into an absolute monarchy. If we neglect the diffusion of intelligence, through the medium of common schools; if we provide not for the great mass of the community, and leave learning to be solely enjoyed by the few, these evil forebodings may, in the end, be realized. The best security that can be given to the people, for the continuance of their political, civil and religious rights, and the permanency and durability of our present frame of government, is to provide for the instruction of all. It is impossible to enslave an enlightened people. In despotic governments, where the posts of honour are enjoyed by an aristocracy, the ignorance of the people is security to their rulers; but in a free republic, where the honors and offices of the state are open to all, they should be early taught, to comprehend and correctly appreciate, the value of their political privileges, so as to produce an enthusiastic love of country, and a zealous attachment to its laws and constitution.

The necessity, therefore, of some general system of education, your committee conceive to be most manifest.

The question next arises, as to whether the present system, in this state, is adequate to the purpose for which it is intended. And here, your committee are met, in the outset, by an objection, heretofore urged and indirectly repeated by the Governor, that the school fund was touched too soon; that it needed further augmentation previously to its application for the purposes of education; and that, "if the people are to derive real and permanent benefit from the school laws, the fund should be increased." With the most respectful deference to the opinions of those who maintain this position, your committee are not of opinion that the fund was appropriated too early; nor can they perceive that, to the advantageous progress of the school system, its further enlargement is at all indispensable. It would, perhaps, be better, for some of the districts, if its dividends were larger; but still, your committee are of opinion, that it is amply sufficient for all the purposes, anticipated from its establishment. It never was designed to have a system of schools entirely supported by this fund. Its only object was to aid and encourage the people; and, if it were much smaller than it is, your committee would not recommend a repeal of the law on that account. The amount which each district annually receives, from the income of this fund, is nearly double the sum which is apportioned, from a similar fund, to each district in the State of New York. And that noble state, with a school income of but little rising 300,000 dollars, points to her 500,000 children, annually, educated in her public schools, as among the noblest monuments of her glory and wisdom. Shall the efforts of Delaware relax, in the face of so powerful an example? Your committee think not. It must be conceded, that, at the time our existing law was passed, the state of learning amongst us, was rapidly on the wane. It had been suffered to decline, for years, and was still declining. The people took but little interest in the instruction of their children; and the condition of this state, upon this all important subject, was growing worse. Something was necessary, to check

this retrograde march of intelligence, and to give a successful impulse to the cause of education; and, perhaps, if the subject had not been taken under consideration, precisely when it was, that the design, of the original founders of the school fund, never would have been carried into execution. Some, who had been friendly to a general system of instruction, had begun to despair of a realization of their wishes, and were well nigh disposed to advocate a division of the fund to any other, than the laudible purpose for which it was, originally, designed.

Another objection to the present system has been urged, which, on first view, seems quite plausible. The objection is, that the fund is sufficient, of itself, to educate all those children, whose parents are unable to school them, without any subsidiary aid from the people. This, your committee are disposed to think, a correct supposition; but still, as an argument against the system, it cannot fail to fall to the ground, when every circumstance is viewed, which should be taken into consideration. If this fund were to be applied solely to the education of poor children, the question would arise, as to the most suitable way of applying it. There would be only one of two plans which could be adopted: either to establish charity schools for the exclusive education of poor children; or else, permit such children to be taught in private schools, and make an allowance to the teachers for their instruction. The first of these plans, it is evident, would be utterly impracticable. It would not be possible to organize charity schools throughout the state, so as to meet the wants of all the indigent children, because they are not confined to particular places, but are scattered in every direction. There is no district of country in the state, within the compass of four miles square, (and it would be useless to have the districts larger,) which could furnish a sufficient number, of such children, for even a tolerable school. The plan might, perhaps, be rendered operative in some of the towns and villages, but this would be of but partial advantage. The other plan, therefore, would have to be acted on, namely: to permit such children to be taught in private schools, and make an allowance to the teachers for their instruction. This has been tried already, and its effect has been witnessed. Hundreds of dollars have been drawn from the school fund, for this purpose, and but little good has resulted from such appropriations. Not one poor child in ten ever received any benefit whatever; because, in many instances, there were no schools in the vicinity of children thus circumstanced, and because, moreover, there were many parents, who, although too poor to school their children, were too proud to send them to a school of this mongrel description. Besides, there were other persons too indifferent, in relation to the subject of education, to avail themselves of the benefit of a charitable system. These reasons have prevented many a parent from profiting by the privilege vouchsafed to him.

Another, and, indeed, the principal objection to the present system, or, more particularly, to that part of it which provides for taxation, is, that it is most unjust, to compel those who have no children of their own and those who have children, but are able to school them, to contribute to the education of those of their neighbors. Although this objection is urged by many honest men, whose opinions are entitled to respect, yet, it is too mercenary, to merit much consideration. Such persons do not give to the subject that reflection which its importance demands. They take a totally different view from the correct one. The subject should

be considered as not to benefit a few, but all—as not to partially operate, for the exclusive instruction of the poor man's child, but for the child of every man in the state. It should be considered as a general state concern; as a means, by which the condition of the whole community will be meliorated, and the prosperity of the state advanced. The framers of the act, establishing the school fund, were not influenced by an exclusive desire to educate *poor* children. They, doubtless, had in view *other* children, in the state, whose parents are able, if they were *willing*, to school them. They took into consideration the state of society in general; the good of the community at large, and were actuated by a desire to impart energy to our character, strength to our political system, and to improve the moral and intellectual condition of the great body of the people, whose collective will controls and regulates the energies of the country. This object cannot be achieved, in any other way, than by having a public school system, supported partly by the school fund, and partly by the subsidiary aid of the people.

Your committee are of opinion, that the provision in the existing law, which requires the levying and collecting a tax, in those districts where the people so decide, has, in many instances, produced a most salutary operation, in coercing parents, who would be otherwise careless, on the subject of schooling their children, to discharge a bounden duty, which they not only owe to themselves and their offspring, but to the community in which they live. There are many parents, in this State, well able to school their children who have neglected to do it. These are principally, uneducated persons, who, as they cannot appreciate the advantages of education themselves, are indifferent on the subject, in relation to their offspring. There is, also, among the adult poor—among those, really unable to school their children—in many instances, a total want of education. The indifference of such persons would, no doubt, prevent them from availing themselves of an entire charitable system. And hence, your committee are of opinion, that a system, supported exclusively by the school fund, would not have the effect to educate the great mass of the people. Upon cases, of the description to which your committee have alluded, the taxing principle has exerted a powerful influence. Such parents, on being compelled to pay their proportion of the expenses of maintaining a school, are influenced by a desire to reap some portion of its advantages; and hence, their action, on a mere selfish principle, is rendered a public benefit.

It is contended by some, that the principle of taxation is, in its operation, oppressive upon poor young men who have no children, in as much, as the sum drawn from such persons, in some of the districts, for the support of schools, greatly exceeds the amount of their proportion of the tax, for the whole expenses of the county. That this is the effect of the system, in some places, your committee believe; but, that it constitutes a sufficient reason for altering the basis of taxation, they are not prepared to admit. The objection urged, can only be removed, by changing the present mode of taxing land at its *rental* value, to its *gross* value. But this alteration, while it reduced the tax on poll and personal rates, would, at the same time, necessarily add an additional burthen to the land, which is already heavily pressed with the public assessments. If real and personal property could *all* be estimated and the expenses of county and state taxation, thrown equally on both, the charge would be just and equitable;

but, under existing circumstances, your committee, think; it would have an unequal and oppressive operation. In fact the present arrangement may be considered, a compromise between the owners of real and personal estates. It was adopted after mature deliberation; and your committee conceive it to be nearer perfection in principle, than any other method, which could be devised by the Legislature. The proper plan of testing the merits of any law, is by considering its general effect upon society; and not its particular operation upon any certain class of individuals. It would be a fruitless effort, on the part of this, or any other legislature, to attempt the construction of a law, the general operation of which, would not, in some few instances, be liable to objection. The province of the Legislature, in the enactment of every law, should be, to consult the general good and not, simply, individual interests. If the basis of the law be perfect, the superstructure may with safety be reared.

Your committee do not wish it to be understood, that they are the advocates of an unconditional system of taxation, contrary to the wishes of the people. They conceive, that the incorporation of such a feature into the present system, at this particular crisis, would create much dissatisfaction and thereby, perhaps, lead to its eventual prostration. For although the subject has, in some parts of the State, excited very considerable partiality, yet, it must be conceded, that there are other districts, in which it is exceedingly unpopular, or at all events, where the sentiments of the people are not in accordance with the principle of taxation. Yet, it is nevertheless of the districts in which the taxing feature is reprobated, kept in successful operation, by the aid of voluntary annexation with the dividend arising from the school fund. Those who are at the same time opposed to the principle, and who are at the same time opposed to the measure. Much good is effected by this method, and although it frequently, throws the burthen of support, unequally on the people, yet, it may well be doubted, whether it would be a prudent policy, on the part of this Legislature, to attempt an equalization of this burthen by means of uniform taxation. Such an attempt, as before remarked, might cause the total downfall of the whole system. Your committee are, therefore, of opinion, that if the principle of taxation continue to form any part of the machinery, for the advancement of general education that that principle should be retained in its least objectionable shape. It should never be put in operation, except by the uncontrolled volition of the people.

Your committee agree in opinion with his Excellency, that the present system is yet in its infancy—but they cannot, with all due deference, subscribe to his opinion, that it is “too limited, to communicate any decided influence to the community.” That, from its peculiar arrangement, it is not calculated to exert an *immediate* general influence, your committee do not deny. Indeed, this was not supposed at the time of its formation; but, that it will, in the course of time, expand itself to the wants and wishes of society, and, in the end, be productive of general utility, may confidently be expected. The Legislature have provided a *skeleton* and have left the “*theus and sinews and the motive power*” (to adopt the language of the Governor) to be supplied by the people. And your committee conceive, that no plan could be put into immediate action, so as to pervade the whole community and operate, simultaneously, in every part of the State, by any other means than unconditional taxation. As

this means cannot readily be adopted, your committee consider that the most judicious policy will be, to forego the advantages, which would result from a general movement in this behalf, until the further action of the people is awaited. There are 193 districts in this State. By the last report of the auditor of accounts, it seems, that schools in 127 of these, have gone into operation. The subject is constantly acquiring additional interest and its progress, under the present arrangement, cannot fail to be onward. It will, doubtless, meet with some opposition, for a considerable time to come; but it may be hoped, that this opposition will finally be vanquished and that the present plan, if suffered to remain, will answer all the purposes anticipated by its projector — that it will acquire new impetus, from the intelligence which it disseminates, and in the end, be brought into complete and successful operation, in every district in the State.

On the subject of the "further support and endowment of Newark College" your committee are not, as yet, prepared, to express any definite views. They, therefore, pray the indulgence of further time in which to make a report.

They, ~~in conclusion, recommend~~ the adoption of the following resolution:

Resolved, That this house deem it inexpedient, at this time, to make any legislative alteration of the free School System, in this State.

All which is most respectfully submitted.

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